

H. B. No. 105, to Committee on Agriculture and Livestock.

H. B. No. 110, to Committee on Counties, Cities and Towns.

H. B. No. 92, to Committee on Education.

H. B. No. 184, to Committee on Agriculture and Livestock.

H. B. No. 85, to Committee on Privileges and Elections.

H. B. No. 113, to Committee on State Affairs.

#### Adjournment

On motion of Senator Hardeman the Senate at 11:40 o'clock a.m. adjourned until 10:30 o'clock a.m. on Monday, February 23, 1959.

#### Record of Vote

Senators Krueger, Phillips, Herring and Bradshaw asked to be recorded as voting "Nay" on the motion to adjourn.

### TWENTY-SECOND DAY

(Monday, February 23, 1959)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Martin
Baker	Moffett
Bradshaw	Moore
Colson	Owen
Crump	Parkhouse
Dies	Phillips
Fly	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Secrest
Hudson	Smith
Kazen	Weinert
Krueger	Willis
Lane	Wood

#### Absent—Excused

Fuller

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation as follows:

"O God, Our Father, Thou hast made us for Thyself, and we are rest-

less until we rest in Thee. We thank Thee for a day of rest and refreshing in Thy sanctuary, and pray now that this new day may be one where the wicked cease from troubling; and the weary be at rest. We pray in Christ's name. Amen."

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of Thursday, February 19, 1959, was dispensed with and the Journal was approved.

#### Leave of Absence

Senator Fuller was granted leave of absence for today on account of important business on motion of Senator Parkhouse.

#### Message from the House

Hall of the House of Representatives  
Austin, Texas,  
February 23, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. B. No. 31, Amending Chapter 52, Acts of the Forty-first Legislature, First Called Session, 1929, compiled as Article 152b, Vernon's Annotated Penal Code, so as to provide for the control and eradication of bovine brucellosis; repealing conflicting laws; providing for severability; providing a penalty for violation; and declaring an emergency.

H. B. No. 115, To amend Section 202 of the Election Code of the State of Texas, compiled as Article 13.24 of Vernon's Texas Election Code, so as to require the filing of results of primary election returns with the County Clerk by precincts in a book to be kept by the County Clerk for that purpose; repealing all laws in conflict; and providing for severability.

H. B. No. 156, Creating a water control and improvement district under Article XVI, Section 59 of the Constitution of Texas, to be known as "Choctaw Watershed Water Improvement District" comprising certain lands lying within the County of Grayson, Texas; prescribing its powers and duties including the powers necessary to fully cooperate with the

Federal Government, its agencies and departments, under Public Law 566, Eighty-third Congress, Chapter 656, 2nd Session, H. R. 6788, as amended by Public Law 1018, Eighty-fourth Congress, Chapter 1027, 2nd Session, H. R. 8750, including the power or authority to secure a federal loan or loans and enacting the applicable provisions of said Public Laws into this Act by reference; etc.; and declaring an emergency.

Respectfully submitted,

DOROTHY HALLMAN,  
Chief Clerk, House of Representatives

#### Senate Bills on First Reading

The following bills were introduced, read first time and referred to the committee indicated:

By Senator Aikin:

S. B. No. 211, A bill to be entitled "An Act requiring the labeling of the minimum percentage of milkfat or butterfat content of all milk produced, offered for sale, or sold in this State; making it unlawful to falsely or misleadingly represent the minimum percentage of milkfat or butterfat content of milk produced, offered for sale, or sold in this State; exemption certain milk producer-distributors from the provisions of this Act; providing penalties for the violation of this Act; providing for the effective date of this Act; providing for severability; providing that this Act shall be cumulative of existing laws; and declaring an emergency."

To the Committee on Agriculture and Livestock.

By Senator Parkhouse:

S. B. No. 212, A bill to be entitled "An Act exempting from regulation by the Railroad Commission of Texas the transportation of passengers or property by motor vehicle wholly within a city, town or village and the commercial zone thereof; providing for the fixing and defining of the commercial zone of a city, town or village, by the Railroad Commission of Texas after public hearing; providing for certain exceptions with respect to separate cities, towns or villages that may be included within the commercial zone, providing for the construction of service authorized under a certificate or permit issued by

the Commission; and declaring an emergency."

To the Committee on Transportation.

By Senator Parkhouse:

S. B. No. 213, A bill to be entitled "An Act to amend Sections 4 and 10-D of Chapter 425, Acts of the Regular Session of the 55th Legislature, which carried into effect the provisions of Article III, Section 49-c of the Constitution creating the Texas Water Development Board; and declaring an emergency."

To the Committee on Water and Conservation.

By Senator Parkhouse:

S. B. No. 214, A bill to be entitled "An Act relating to bonds, undertakings, recognizances, guarantees or other obligations executed by surety companies duly qualified to do business in Texas; and declaring an emergency."

To the Committee on Jurisprudence.

By Senator Herring:

S. B. No. 215, A bill to be entitled "An Act providing a method of financing the operation of the Texas Commission on Alcoholism; amending Section 18 of Chapter 411, Acts of the Fifty-third Legislature, Regular Session, 1953, as amended; and declaring an emergency."

To the Committee on State Affairs.

By Senators Hazlewood, Ratliff, Parkhouse, Aikin, Wood, Smith and Gonzalez:

S. B. No. 216, A bill to be entitled "An Act to amend Chapter 28 of the Acts of the First Called Session of the Forty-second Legislature by amending Section 6a to prohibit sale or abandonment by a common carrier pipe line of any of its connections or lines without a permit of the Railroad Commission or the written consent of all of the owners of connected wells; amending Section 8 to require a common purchaser of crude oil to purchase oil offered it for purchase in the vicinity of, or which may be reasonably reached by, its pipe line branches and to purchase ratably all oil offered it for purchase; amending Section 8aa to provide that operators of crude oil gathering systems by pipe line or truck who purchase crude oil shall be common purchasers thereof and pur-

chase without discrimination; adding Section 8aaa to authorize regulation by the Commission of gathering systems for crude petroleum by pipe line or truck and to prohibit purchase of crude petroleum by persons operating such systems unless they are common purchasers and subject to Commission regulation; amending Section 11d to authorize the Commission to compel common purchasers to ratably purchase to prevent discrimination and to purchase the full allowable of any producer discriminated against and to authorize show cause orders by the Commission in such instances; providing severability; providing that this action shall be cumulative of all other laws now in force; and declaring an emergency."

To the Committee on Oil and Gas.

By Senator Roberts:

S. B. No. 217, A bill to be entitled "An Act amending Senate Bill No. 198, Chapter 317, Acts of the 52nd Legislature, Regular Session, 1951, relating to and providing for the destruction of certain predatory animals and rodent pests; transferring certain functions from the Director of Extension of the Agricultural and Mechanical College System of Texas to the Texas Game and Fish Commission; providing for appropriations; providing a savings clause; and declaring an emergency."

To the Committee on Finance.

By Senator Gonzalez:

S. B. No. 218, A bill to be entitled "An Act amending Acts of 1941, Forty-seventh Legislature, Chapter 105, Page 134, as amended (Vernon's Texas Civil Statutes, Article 6243f); amending Section 1 thereof, as amended, by providing for the creation of a Fireman and Policemen's Pension Fund and a permanent pension system in incorporated cities having a fully paid Fire and Police Department when such cities once have a population of more than 350,000 and less than 430,000 inhabitants, according to the last preceding Federal Census or any future Federal census; and by changing the name of board of trustees and the requirements of eligibility for membership of service members of board of trustees; and providing for their election without appointment by governing body of city; and further providing for election by governing body of city of

members of board of trustees other than service members thereof and further providing for complete and independent control of board of trustees over pension fund; by amending Sec. 2 thereof, by deleting from said Section, and only from said Section, power and authority of board of trustees to reduce percentages relating to disabilities or awards of disability based upon the degrees of disability and surrounding circumstances; and repealing Sec. 3 thereof; by amending Sec. 4 thereof, by excluding Fire-Alarm Operators from making contributions to Pension Fund; by providing for a definite and compulsory deduction from wages of each fireman and policeman of the city for the Pension Fund of a sum equal to five (5) percent of base pay of a private, with the city paying into said fund a matching amount equal to the sum total of such contributions; and further providing that Board of Trustees may increase the amount of such contributions from firemen and policemen from five (5) percent to seven (7) one-half ( $\frac{1}{2}$ ) percent of the base pay of a private, with an additional contribution of the city to be likewise increased; and deleting requirement that rewards received by members of police or fire department be deposited in pension fund; and further providing that matching contributions of city be in addition to revenue from parking meters set forth in Sec. 16 hereof and that such matching contributions be paid out of the General Fund and that city make provision therefor; by amending Sec. 5 thereof by changing the name of the book kept by City Treasurer showing the names of persons entitled to payment from Pension Fund and amount of each payment and for what granted; by amending Sec. 7 thereof, as amended, by excluding Fire-Alarm Operators and persons in Fire-Alarm Operators' Department of any city from membership and participation in Pension Fund; and by providing that members of Fund called to active military service shall not be required to make monthly payments into Pension Fund during the period of active military service, but providing for amount and time and manner of payment into Pension Fund by such members upon return to active status in Fire or Police Department in order to retain their seniority rights or retirement benefits and credit for length of

time such members were engaged in active military service; and by providing that no member of the Fund shall be entitled to disability pension for a disability contracted by either injury or disease while engaged in active military service, and that this provision shall apply only to those members who have not been granted a disability pension prior to effective date of this Act; by amending Sec. 8, as amended, by requiring that a member of the Fire and Police Department both serve and contribute to the Pension Fund for at least twenty (20) years before receiving any award from Fund for retirement; and providing that the amount of retirement pensions shall be based upon certain periods of years of service and years of pension fund contribution and upon the base pay of a private at the time application is made for retirement pension; and by deleting the requirement of the issuance of a Certificate of Retirement and providing that the Board of Trustees may authorize a retirement pension upon application of a member for retirement and for such retirement pension after sufficient years of service and years of Pension Fund Contribution; and further providing that a member shall be given credit for time such member was actively engaged in military service, only in strict compliance of the provisions of Sec. 7 (c) of this Act; by repealing Sec. 9 thereof, by amending Sec. 10, as amended, by excluding members of Fire-Alarm Operators' Department from classes of employees entitled to disability pensions; by fixing the maximum and minimum disability pension of a duly appointed and enrolled member of the Fire Department or Police Department of the city who is contributing to the Pension Fund and is a member in good standing of said Fund; and by requiring that all sick and disability leave be first exhausted before a disability claim for incapacity from fire or police duties is received or considered and before an award is made; and granting full power to Board of Trustees to make inquiry relating to facts bearing on the degree of disability of member from other suitable employment before and after granting of disability pension; and providing that one-half ( $\frac{1}{2}$ ) of base pay of a private is the maximum amount of a disability pension for total and permanent disability and granting full

power to Board of Trustees to grant a disability pension for less than maximum and not less than minimum according to degree of disability when Board finds from substantial evidence that member is only partially incapacitated from other suitable employment; and providing that foregoing provisions shall apply to all present and future members of the Fund and to all present and future pensioners of the Fund; and further providing that no disability pension shall be awarded for disability resulting from injury or disease while member is engaged in active military service; and this provision shall apply to all members who have not been granted a disability pension prior to the effective date of this Act; by amending Sec. 11 thereof, as amended, by excluding death benefits to the widow and children of member of Fire-Alarm Operators' Department and limiting such death benefit or pension to the widow and children of a member of the Fire and Police Pension Fund of such city who was a contributor to said Fund and in good standing thereof; and providing if no children survive member, widow's death benefit or pension shall be in amount not to exceed one-half ( $\frac{1}{2}$ ) of the current base pay of a private per month; and further providing if there is no widow, children shall receive an award of one-fourth ( $\frac{1}{4}$ ) of the current base pay of a private per month; and further providing that the amount awarded to any child or children shall be paid to the legal guardian of said child or children, and limiting total death benefit to two-fifths ( $\frac{2}{5}$ ) of the current base pay of a private when member retired upon twenty (20) years of service and less than twenty-five (25) years of service, with a child or children alone in such case receiving only one-fifth ( $\frac{1}{5}$ ) of the current base pay of a private; and further providing for death benefits or pension awards to mentally or physically retarded children incapable of their own support regardless of their age with said death benefit or pension being reduced to the extent that any of said children shall receive any state pension or aid; and providing that death benefit or pension to widow shall cease upon her remarriage, and that such death benefit or pension to any child shall cease upon marriage of such child; and further providing that a widow from a marriage subsequent to

the date of retirement of the member shall not be entitled to any death benefit or pension; and repealing Section 12 thereof; and amending Sec. 13 thereof, by excluding death benefits to dependent fathers and/or mothers of members of Fire-Alarm Operators' Department and also excluding the requirement that death of a member of Fire or Police Department result from injury received or disease contracted directly in line of duty before payment of death benefit or pension to dependent father and/or mother; and adding requirement that at time of death of member that he be a member in good standing of the Pension Fund; and by adding requirement that father and/or mother be wholly dependent upon member for support; and by granting to Board of Trustees, on its own initiative, the right to make investigations into any pension application or any pensioner's status; and providing for a burial death benefit of \$500.00 when a member of Fire or Police Department in active service dies without leaving any defined beneficiaries entitled to receive death benefits; and amending Sec. 14 thereof by excluding from consideration of the Board of Trustees cases of members of Fire-Alarm Operators' Department; by providing for consideration of Board of all cases for membership in the Fund, and all applications of pensions by widows, children and dependent parents; and by providing for notice by Board of Trustees to persons asking for membership in said Fund to appear before said Board and offer such sworn evidence as he or they may desire; and providing a member of the Fire and Police Department who is a contributor to Pension Fund and a member in good standing thereof may appear in person or by attorney and contest the application for membership participation in said Fund or for a pension or benefit by any person claiming to be entitled to participate therein, and may offer testimony in support of such contest; and providing that process for witnesses shall be served by any member of Fire and Police Departments; by amending Sec. 15 thereof, by providing that Board of Trustees may cause any person receiving any disability pension herein, irrespective of years of service, to appear and undergo medical examination by any reputable physician or

physicians selected by Board; and by providing that Board in making a finding may change any percentage stipulated in this Act, except no award shall exceed one-half ( $\frac{1}{2}$ ) of the base pay of a private on the current rate of pay at time of original application for pension or less than one-twentieth ( $\frac{1}{20}$ ) of such base pay, unless discontinued for good cause, with good cause being defined as ability to resume fire or police duties; and by providing that Board, on substantial evidence, may consider disability of pensioner from any suitable employment in changing the percentages paid at any given time to a pensioner; and further providing that Board may reduce or discontinue a benefit received by a person under this Act when such person, after due notice, fails to appear and undergo any examination or examinations as ordered by the Board; by amending Sec. 17 thereof, as amended, by reducing percentage of funds in special retirement reserve that may be invested in saving and loan associations insured by Federal Saving and Loan Insurance Corporation; and providing that a sum not to exceed twenty (20) percent of the funds in special retirement reserve may be invested in shares of capital stock of national banks established for at least ten (10) years, with a capitalization of at least \$5,000,000.00 and/or in shares of capital stock of life insurance companies and/or fire and casualty insurance companies established for at least twenty-five (25) years, with a capitalization of at least \$5,000,000.00, and deleting the requirement that such bank stocks and insurance stocks be listed on an exchange registered with the Securities and Exchange Commission, or its successors by increasing percentages of funds in special retirement reserve which may be invested in certain investment companies and certain stocks and debentures or mortgages and providing that a sum not to exceed fifty (50) percent of the funds in special retirement reserve may be invested in shares of open end investment companies, closed end investment companies, common or preferred stocks, or in debentures or mortgages; by amending Sec. 19 thereof, by providing that this Act is of the essence of the contract of employment and appointment of firemen and policemen by cities of this class,

with Fire-Alarm Operators being excluded from said provisions; and further providing that no member of Fire Department or Police Department or of Pension Fund shall be entitled to a refund of contributions made to Pension Fund and declaring said money to be public money and property of Fund for members qualifying for benefits, and their beneficiaries; by amending Sec. 23 thereof by changing the accounts to be kept separately by deleting accounts of Fire-Alarm Operators and adding the accounts of the Firemen and Policemen's Pension Fund; and providing a saving clause and declaring an emergency."

To the Committee on Counties, Cities and Towns.

#### Senate Resolution 109

Senator Moffett offered the following resolution:

Whereas, We are honored today to have as visitors in the Senate Police Lieutenants Chris Jensen and Murry Johnson, Police Detective Howard Shubert, and Fire Captain Bob Lyons, prominent citizens and public officials of Wichita Falls, Texas; and

Whereas, We desire to welcome these distinguished guests to the Capitol Building and Capital City; now, therefore, be it

Resolved, That their presence be recognized by the Senate of Texas and that they be extended an official welcome.

The resolution was read and was adopted.

#### Senate Resolution 110

Senator Dies offered the following resolution:

Whereas, We are honored today to have as visitors in the Senate, Mr. and Mrs. H. C. White, Lufkin, Texas; and

Whereas, We desire to welcome these distinguished visitors to the Capitol Building and Capital City; Now, therefore, be it

Resolved, That their presence be recognized by the Senate of Texas and that they be extended the official welcome of the Senate.

The resolution was read and was adopted.

Senator Dies by unanimous consent presented Mr. and Mrs. White to the Members of the Senate.

#### Senate Resolution 111

Senator Hardeman offered the following resolution:

BE IT RESOLVED by the Senate of Texas, That at such times as the Senate may direct there shall be prepared Local and Uncontested Bill Calendars, which Calendars shall be prepared by a Committee of five appointed by the Lieutenant Governor.

No bills or resolutions shall be placed on such calendar which contain appropriations or create new departments or subdivisions of departments, except purely local bills where the expenditure is not from State funds.

No bills or resolutions which the committee feels might create a controversy shall be placed on such calendar. Any bill or resolution on such calendar shall not be considered if as many as three members present object to such consideration.

The calendar shall be placed on the desk of the Members at least six hours before any such session. The committee may name a time after which applications for a place on the calendar may not be made.

The committee shall not consider any bills unless a printed copy of such bill or the bill itself is presented to the committee.

The resolution was read and was adopted.

#### Senate Resolution 112

Senator Fly offered the following resolution:

Whereas, There is unemployment compensation legislation pending in the Congress of the United States, which legislation seeks to establish certain minimum benefit standards and would thereby remove from the states many of the powers now vested therein, which legislation is coercive upon the Legislatures of the various states in that if they fail to comply with the proposed standards, drastic penalties would be imposed upon the taxpayers in such states; and

Whereas, The Legislature of the State of Texas recently, in recognition of unemployment problems, increased the maximum weekly benefit amount by forty per cent, and is even now in the current session considering legislation which would provide further increases; and

Whereas, The people of Texas are firmly dedicated to the proposition that matters relating to the amount and duration of unemployment benefits should be left to the discretion of the various state governments due to the widely varying economic and other conditions that prevail among the states; now, therefore be it

Resolved, By the Senate of the State of Texas that it opposes legislation which would establish federal minimum benefit standards and which would compel the states to take similar action, thus depriving the Legislature of its rightful authority in such matters; and, be it further

Resolved, That a copy of this Resolution be sent to the President of the United States, the Secretary of Labor of the United States, Senate Majority Leader Lyndon B. Johnson, Senator Ralph W. Yarborough, Speaker Sam Rayburn, and all Members of the House of Representatives from Texas.

FLY  
BRADSHAW  
LANE  
ROBERTS  
AIKIN

The resolution was read.

On motion of Senator Fly and by unanimous consent the resolution was considered immediately and was adopted.

#### Senate Resolution 113

Senator Kazen offered the following resolution:

Whereas, We are honored today to have as a visitor in the Senate, the Hon. A. J. Vale of Rio Grande City; and

Whereas, We desire to welcome this distinguished visitor to the Capitol Building and Capital City; now, therefore, be it

Resolved, That his presence be recognized by the Senate of Texas and that he be extended the official welcome of the Senate.

The resolution was read and was adopted.

Senator Kazen by unanimous consent presented Judge Vale to the Members of the Senate.

#### Co-Author of Senate Bill 167

On motion of Senator Aikin and

by unanimous consent Senator Wood will be shown as co-author of S. B. No. 167.

#### Motion to Place Senate Bill 73 on Second Reading

Senator Willis asked unanimous consent to suspend the regular order of business and take up S. B. No. 73 for consideration at this time.

There was objection.

Senator Willis then moved to suspend the regular order of business and Section 5 of Article III of the Constitution and Senate Rule 116 and take up S. B. No. 73 for consideration at this time.

The motion was lost by the following vote (not receiving four-fifths vote of the Members of the Senate):

#### Yeas—21

Aikin	Moore
Baker	Owen
Bradshaw	Parkhouse
Colson	Phillips
Dies	Ratliff
Gonzalez	Reagan
Hardeman	Secrest
Hazlewood	Smith
Herring	Willis
Kazen	Wood
Moffett	

#### Nays—9

Crump	Martin
Fly	Roberts
Hudson	Rogers
Krueger	Weinert
Lane	

#### Absent—Excused

Fuller

#### Senate Bill 137 on Second Reading

Senator Phillips moved that Senate Rules 116 and 13 and Section 5 of Article III of the State Constitution be suspended and that S. B. No. 137 be taken up for consideration at this time.

The motion prevailed by the following vote:

#### Yeas—29

Aikin	Crump
Baker	Dies
Bradshaw	Fly
Colson	Gonzalez

Hazlewood	Phillips
Herring	Ratliff
Hudson	Reagan
Kazen	Roberts
Krueger	Rogers
Lane	Secrest
Martin	Smith
Moffett	Weinert
Moore	Willis
Owen	Wood
Parkhouse	

Nays—1

Hardeman

Absent—Excused

Fuller

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 137, A bill to be entitled "An Act validating the incorporation of all cities and towns of five thousand (5,000) inhabitants or less, heretofore incorporated or attempted to be incorporated under the general laws of Texas; validating the boundary lines thereof; validating governmental proceedings, providing that this act shall not apply to any city or town now involved in litigation questioning the legality of the incorporation; and declaring an emergency."

The bill was read second time and was passed to engrossment.

#### Senate Bill 137 on Third Reading

Senator Phillips moved that Senate Rule 32 and constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 137 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Lane
Baker	Martin
Bradshaw	Moffett
Colson	Moore
Crump	Owen
Dies	Parkhouse
Fly	Phillips
Gonzalez	Ratliff
Hazlewood	Reagan
Herring	Roberts
Hudson	Rogers
Kazen	Secrest
Krueger	Smith

Weinert	Wood
Willis	

Nays—1

Hardeman

Absent—Excused

Fuller

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—27

Aikin	Moffett
Baker	Moore
Bradshaw	Owen
Colson	Parkhouse
Crump	Phillips
Dies	Reagan
Fly	Roberts
Gonzalez	Rogers
Hazlewood	Secrest
Herring	Smith
Hudson	Weinert
Kazen	Willis
Krueger	Wood
Lane	

Nays—3

Hardeman	Ratliff
Martin	

Absent—Excused

Fuller

#### Senate Resolution 114

Senator Krueger offered the following resolution:

Whereas, We are honored today to have as visitors in the Senate Mr. and Mrs. R. W. Williamson of East Bernard; and

Whereas, We desire to welcome these distinguished visitors to the Capitol Building and Capital City; now, therefore, be it

Resolved, That their presence be recognized by the Senate of Texas and that they be extended the official welcome of the Senate.

The resolution was read and was adopted.

Senator Krueger by unanimous consent presented Mr. and Mrs. Williamson to the Members of the Senate.



**Senate Bill 22 on Second Reading**

Senator Roberts moved that Senate Rules 116 and 13 and Section 5 of Article III of the State Constitution be suspended and that S. B. No. 22 be taken up for consideration at this time.

The motion prevailed by the following vote:

**Yeas—30**

Aikin	Martin
Baker	Moffett
Bradshaw	Moore
Colson	Owen
Crump	Parkhouse
Dies	Phillips
Fly	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Secrest
Hudson	Smith
Kazen	Weinert
Krueger	Willis
Lane	Wood

**Absent—Excused**

Fuller

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 22, A bill to be entitled "An Act to amend Section 2 and Section 49, of House Bill No. 407, Chapter 4, Acts of the Forty-sixth Legislature, Regular Session, 1939, and to amend Section 1 thereof, as amended by Section 1 of House Bill No. 205, Chapter 187, Acts of the Forty-seventh Legislature, Regular Session, 1941, as amended by Section 1, Chapter 105, Acts of the Fiftieth Legislature, Regular Session, 1947, providing for the inclusion of 'Trailers' and 'Semi-trailers' having a gross weight in excess of Four Thousand (4,000) pounds; adding two (2) new sections to be known as Section 2b, defining the term 'Trailer' and Section 2c defining the term 'Semi-trailer'; to amend Section 49, of House Bill 407, Chapter 4, Acts of the Forty-sixth Legislature, Regular Session, 1939, and to amend Section 49(e), House Bill 286, Chapter 105, Acts of the Fiftieth Legislature, Regular Session, 1947, authorizing the State Highway Department of the State of Texas to assign serial numbers for trailers and semi-trailers having a gross weight in excess of Four Thousand

(4,000) pounds; providing a saving clause; providing a repealing clause; and declaring an emergency."

The bill was read second time and was passed to engrossment.

**Senate Bill 22 on Third Reading**

Senator Roberts moved that Senate Rule 32 and the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 22 be placed on its third reading and final passage.

The motion prevailed by the following vote:

**Yeas—30**

Aikin	Martin
Baker	Moffett
Bradshaw	Moore
Colson	Owen
Crump	Parkhouse
Dies	Phillips
Fly	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Secrest
Hudson	Smith
Kazen	Weinert
Krueger	Willis
Lane	Wood

**Absent—Excused**

Fuller

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

**Senate Bill 36 on Second Reading**

Senator Parkhouse moved that Senate Rules 116 and 13 and Section 5 of Article III of the State Constitution be suspended and that S. B. No. 36 be taken up for consideration at this time.

The motion prevailed by the following vote:

**Yeas—30**

Aikin	Gonzalez
Baker	Hardeman
Bradshaw	Hazlewood
Colson	Herring
Crump	Hudson
Dies	Kazen
Fly	Krueger

Lane	Reagan
Martin	Roberts
Moffett	Rogers
Moore	Secrest
Owen	Smith
Parkhouse	Weinert
Phillips	Willis
Ratliff	Wood

Absent—Excused

Fuller

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 36, A bill to be entitled "An Act to amend Chapter 35, Acts of the Regular Session of the 55th Legislature (Vernon's Annotated Civil Statutes, Article 1109-h) in reference to the construction and financing of water supply projects under contracts between eligible cities and river authorities and the financing by such cities of intakes, pumping stations and equipment, pipelines, treatment and filtration plants and intermediate and terminal reservoirs, and declaring an emergency."

The bill was read second time and was passed to engrossment.

## Senate Bill 36 on Third Reading

Senator Parkhouse moved that Senate Rule 32 and the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 36 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30

Aikin	Martin
Baker	Moffett
Bradshaw	Moore
Colson	Owen
Crump	Parkhouse
Dies	Phillips
Fly	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Secrest
Hudson	Smith
Kazen	Weinert
Krueger	Willis
Lane	Wood

Absent—Excused

Fuller

The President then laid the bill before the Senate in its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—30

Aikin	Martin
Baker	Moffett
Bradshaw	Moore
Colson	Owen
Crump	Parkhouse
Dies	Phillips
Fly	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Secrest
Hudson	Smith
Kazen	Weinert
Krueger	Willis
Lane	Wood

Absent—Excused

Fuller

## Senate Bill 193 on Second Reading

Senator Gonzalez moved that Senate Rules 116 and 13 and Section 5 of Article III of the State Constitution be suspended and that S. B. No. 193 be taken up for consideration at this time.

The motion prevailed by the following vote:

Yeas—29

Aikin	Moffett
Baker	Moore
Bradshaw	Owen
Colson	Parkhouse
Crump	Phillips
Dies	Ratliff
Fly	Reagan
Gonzalez	Roberts
Hazlewood	Rogers
Herring	Secrest
Hudson	Smith
Kazen	Weinert
Krueger	Willis
Lane	Wood
Martin	

Nays—1

Hardeman

Absent—Excused

Fuller

The President laid before the Sen-

ate on its second reading and passage to engrossment:

S. B. No. 193, A bill to be entitled "An Act fixing the salaries of official shorthand reporters of each judicial district, civil or criminal, and the official shorthand reporters of each county court at law, civil or criminal, in any county having a population of not less than three hundred sixty thousand (360,000) nor more than six hundred twelve thousand (612,000) inhabitants, according to the 1950 Federal census; providing the time, method and manner of payment; repealing all laws or parts of laws in conflict; providing a saving clause; and declaring an emergency."

The bill was read the second time.

Senator Gonzalez offered the following amendment to the bill:

Amend Senate Bill No. 193 beginning at Line 10, starting from Section 1 to read as follows:

"The compensation of such reporters shall be not less than seventy-five hundred dollars (\$7,500) nor more than eighty-five hundred dollars (\$8,500) per annum; such compensation shall be determined, set, and allowed by the judge of such court or courts within such minimum and maximum compensation authorized hereby, in addition to compensation for transcript fees as provided by law."

GONZALEZ  
WILLIS

The amendment was adopted.

On motion of Senator Gonzalez and by unanimous consent the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

#### Record of Vote

Senator Hardeman asked to be recorded as voting "Nay" on the passage of S. B. No. 193 to engrossment.

#### Senate Bill 193 on Third Reading

Senator Gonzalez moved that Senate Rule 32 and the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 193 be placed on its third reading and final passage.

The motion prevailed by the following vote:

#### Yeas—29

Aikin	Moffett
Baker	Moore
Bradshaw	Owen
Colson	Parkhouse
Crump	Phillips
Dies	Ratliff
Fly	Reagan
Gonzalez	Roberts
Hazlewood	Rogers
Herring	Secrest
Hudson	Smith
Kazen	Weinert
Krueger	Willis
Lane	Wood
Martin	

#### Nays—1

Hardeman

Absent—Excused

Fuller

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

#### Yeas—29

Aikin	Moffett
Baker	Moore
Bradshaw	Owen
Colson	Parkhouse
Crump	Phillips
Dies	Ratliff
Fly	Reagan
Gonzalez	Roberts
Hazlewood	Rogers
Herring	Secrest
Hudson	Smith
Kazen	Weinert
Krueger	Willis
Lane	Wood
Martin	

#### Nays—1

Hardeman

Absent—Excused

Fuller

#### Senate Resolution 115

Senator Dies offered the following resolution:

Whereas, We are honored today to have as a visitor in the Senate Mr. Ned Shands, Jr., of Lufkin; and

Whereas, We desire to welcome this distinguished visitor to the Capitol Building and Capital City; now, therefore, be it

Resolved, That his presence be recognized by the Senate of Texas and that he be extended the official welcome of the Senate.

The resolution was read and was adopted.

Senator Dies by unanimous consent presented Mr. Shands to the Members of the Senate.

#### Senate Bill 150 on Second Reading

Senator Hazlewood moved that Senate Rules 116 and 13 and Section 5 of Article III of the State Constitution be suspended and that S. B. No. 150 be taken up for consideration at this time.

The motion prevailed by the following vote:

#### Yeas—30

Aikin	Martin
Baker	Moffett
Bradshaw	Moore
Colson	Owen
Crump	Parkhouse
Dies	Phillips
Fly	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Secrest
Hudson	Smith
Kazen	Weinert
Krueger	Willis
Lane	Wood

#### Absent—Excused

Fuller

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 150, A bill to be entitled "An Act authorizing the Texas National Guard Armory Board to donate, transfer, and convey certain plots of land situated in Randall County to the State of Texas for the use and benefit of West Texas State College."

The bill was read second time and was passed to engrossment.

#### Senate Bill 150 on Third Reading

Senator Hazlewood moved that the

constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 150 be placed on its third reading and final passage.

The motion prevailed by the following vote:

#### Yeas—30

Aikin	Martin
Baker	Moffett
Bradshaw	Moore
Colson	Owen
Crump	Parkhouse
Dies	Phillips
Fly	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Secrest
Hudson	Smith
Kazen	Weinert
Krueger	Willis
Lane	Wood

#### Absent—Excused

Fuller

The President then laid the bill before the Senate on its second reading and final passage.

The bill was read third time and was passed by the following vote:

#### Yeas—30

Aikin	Martin
Baker	Moffett
Bradshaw	Moore
Colson	Owen
Crump	Parkhouse
Dies	Phillips
Fly	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Secrest
Hudson	Smith
Kazen	Weinert
Krueger	Willis
Lane	Wood

#### Absent—Excused

Fuller

#### Senate Resolution 116

Senator Krueger offered the following resolution:

Whereas, We are honored today to have as visitors in the Senate Bruce Waddell, A. H. Seaholm of Eagle Lake; and

Whereas, We desire to welcome

these distinguished visitors to the Capitol Building and Capital City; now, therefore, be it

Resolved, That their presence be recognized by the Senate of Texas and that they be extended the official welcome of the Senate.

The resolution was read and was adopted.

Senator Krueger by unanimous consent presented the distinguished guests to the Members of the Senate.

#### Senate Resolution 117

Senator Krueger offered the following resolution:

Whereas, We are honored today to have as visitors in the Senate John J. Grigar, Henry Viktorin, Bruce Waddell, and A. H. Seaholm; and

Whereas, We desire to welcome these distinguished visitors to the Capitol Building and Capital City; now, therefore, be it

Resolved, That their presence be recognized by the Senate of Texas and that they be extended the official welcome of the Senate.

The resolution was read and was adopted.

Senator Krueger by unanimous consent presented the distinguished guests to the Members of the Senate.

#### Message from the House

Hall of the House of Representatives  
Austin, Texas,  
February 23, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

The House has concurred in Senate amendments to House Bill No. 45 by vote of 132 ayes, 0 noes.

Respectfully submitted,

DOROTHY HALLMAN,  
Chief Clerk, House of Representatives

#### Bills Signed

The President signed in the presence of the Senate after the caption had been read, the following enrolled bills:

S. B. No. 7, A bill to be entitled "An Act to amend Section 2 of Senate Bill 44, Acts of the 49th Legislature, Regular Session, 1945, as amended (codified as Section 2 of Article 5798a-2 of Vernon's Civil Statutes), so as to provide that a person who has served in the active Military, Navy, or Armed Forces, or the Nurses Corps of the United States or Canada, during the Korean War (commonly referred to as the Korean Conflict or the Korean Police Action), for a period of at least four (4) months, and having been honorably discharged from such services, may serve as Veterans County Service Officer and/or Assistant Veterans County Service Officer; providing that this individual also possesses the other qualifications enumerated in Section 2 of this Act; providing for a repealing clause; providing for a severability clause; and declaring an emergency."

S. B. No. 21, A bill to be entitled "An Act amending Section 1 of Chapter 509, Acts of the 47th Legislature, Regular Session, 1941, as last amended by Section 1 of Chapter 73, Acts of the 50th Legislature, Regular Session, 1947, so as to authorize the construction of causeways, bridges and tunnels in any county bordering on the Gulf of Mexico, which has a population of twenty thousand (20,000) or more; and declaring an emergency."

S. B. No. 49, A bill to be entitled "An Act changing the name of the Hockley County Junior College District, established in Hockley County, Texas, and enlarged by annexation into Cochran County, Texas, to the 'South Plains Junior College District,' providing that all powers under law, special or general, granted or vested in said District, shall be the same under the new name, providing that all rights, appurtenances, property, things of value, contracts, obligations, belonging to the Hockley County Junior College District, Hockley County, Texas, or South Plains Junior College District, are ratified and confirmed in behalf of the South Plains Junior College District; providing a repealing clause, saving clause, and declaring an emergency."

S. B. No. 69, A bill to be entitled "An Act relating to the firemen and policemen pension fund in certain cities; amending Chapter 101, Acts

of the 43rd Legislature, First Called Session, 1933, as amended by adding a new section thereto; and declaring an emergency."

**Senate Bill 166 on Second Reading**

Senator Baker moved that Senate Rules 116 and 13 and Section 5 of Article III of the State Constitution be suspended and that S. B. No. 166 be taken up for consideration at this time.

The motion prevailed by the following vote:

**Yeas—30**

Aikin	Martin
Baker	Moffett
Bradshaw	Moore
Colson	Owen
Crump	Parkhouse
Dies	Phillips
Fly	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Secrest
Hudson	Smith
Kazen	Weinert
Krueger	Willis
Lane	Wood

**Absent—Excused**

Fuller

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 166, A bill to be entitled "An Act changing the name of the Texas State Cancer Hospital created by Acts, 47th Legislature, 1941, page 878, Chapter 548 (Art. 2603e, V.C.S.), and M. D. Anderson Hospital for cancer research created by Acts, 50th Legislature, 1947, page 509, Chapter 300 (Art. 2603f, V.C.S.), to 'The University of Texas M. D. Anderson Hospital and Tumor Institute'; changing the name of the Dental College of The University of Texas created by Acts, 50th Legislature, 1947, page 509, Chapter 300 (Art. 2603f, V.C.S.), to 'The University of Texas Dental Branch at Houston'; changing the name of the Preceptorial Training Center created by Acts, 50th Legislature, 1947, page 509, Chapter 300 (Art. 2603f, V.C.S.), to 'The University of Texas Post-Graduate School of Medicine'; etc.; and declaring an emergency."

The bill was read second time and was passed to engrossment.

**Senate Bill 166 on Third Reading**

Senator Baker moved that Senate Rule 32 and constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 166 be placed on its third reading and final passage.

The motion prevailed by the following vote:

**Yeas—29**

Aikin	Moffett
Baker	Moore
Colson	Owen
Crump	Parkhouse
Dies	Phillips
Fly	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Secrest
Hudson	Smith
Kazen	Weinert
Krueger	Willis
Lane	Wood
Martin	

**Nays—1**

Bradshaw

**Absent—Excused**

Fuller

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

**Yeas—29**

Aikin	Moffett
Baker	Moore
Colson	Owen
Crump	Parkhouse
Dies	Phillips
Fly	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Secrest
Hudson	Smith
Kazen	Weinert
Krueger	Willis
Lane	Wood
Martin	

**Nays—1**

Bradshaw

**Absent—Excused**

Fuller

**House Bills on First Reading**

The following bills received from the House were read the first time and referred to the committees indicated:

H. B. No. 31, to Committee on Agriculture and Livestock.

H. B. No. 156, to Committee on Water and Conservation.

H. B. No. 126, to Committee on Counties, Cities and Towns.

**Senate Resolution 118**

Senator Gonzalez offered the following resolution:

Whereas, We are honored today to have as a visitor in the Senate Carlos Cadena, City Attorney, City of San Antonio; and

Whereas, We desire to welcome this distinguished visitor to the Capitol Building and Capital City; now, therefore, be it

Resolved, That his presence be recognized by the Senate of Texas and that he be extended the official welcome of the Senate.

The resolution was read and was adopted.

Senator Gonzalez by unanimous consent presented Mr. Cadena to the Members of the Senate.

**Adjournment**

On motion of Senator Willis the Senate at 11:35 o'clock a.m. adjourned until 10:30 o'clock a.m. tomorrow.

**TWENTY-THIRD DAY**

(Tuesday, February 24, 1959)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Gonzalez
Baker	Hardeman
Bradshaw	Hazlewood
Colson	Herring
Crump	Hudson
Dies	Kazen
Fly	Krueger
Fuller	Lane

Martin  
Moffett  
Moore  
Owen  
Parkhouse  
Phillips  
Ratliff  
Reagan

Roberts  
Rogers  
Secrest  
Smith  
Weinert  
Willis  
Wood

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation as follows:

Our Father, we come to Thee in this sacred moment as perplexed pilgrims of the night seeking direction. We do not ask to see distant scenes, but give to these, Thy servants, the counsel of Thy holy will; and may it ever be in our minds as well as on our coins in God we trust. We pray in the Master's name. Amen.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

**Reports of Standing Committees**

Senator Lane submitted the following report:

Austin, Texas,  
February 24, 1959.

Hon. Ben Ramsey, President of the Senate:

Sir: We, your Committee on Jurisprudence, to whom was referred S. B. No. 126, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass as amended and be printed.

LANE, Chairman.

Senator Bradshaw submitted the following reports:

Austin, Texas,  
February 24, 1959.

Hon. Ben Ramsey, President of the Senate:

Sir: We, your Committee on Insurance, to whom was referred S. B. No. 24, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

BRADSHAW, Chairman.

Austin, Texas,  
February 24, 1959.

Hon. Ben Ramsey, President of the Senate: